

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JIMMY LEE MEDINA

Petitioner,

vs.

LYNN GUYER,

Respondent.

CV 19-43-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on July 18, 2019 (Doc. 4.) Judge Johnston recommended that Petitioner Jimmy Lee Medina's Petition (Doc. 1) be dismissed without prejudice as unexhausted.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 4) are **ADOPTED IN FULL**. Petitioner Medina's Petition (Doc. 1) is dismissed without prejudice as unexhausted.

The Clerk of Court is directed to enter by separate document a judgment of dismissal.

A certificate of appealability is **DENIED**.

DATED this 26th day of August, 2019.



Brian Morris
United States District Court Judge